

Part 20.30B Conditional Use Permit

20.30B.110 Scope.

This Part 20.30B establishes the procedure and criteria that the City will use in making a decision upon an application for a Conditional Use Permit.

20.30B.115 Applicability.

This Part 20.30B applies to each application for a Conditional Use Permit, except as otherwise provided in Part 20.30C LUC. (Shoreline Conditional Use Permit).

20.30B.120 Purpose.

A Conditional Use Permit is a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

20.30B.140 Decision criteria.

The City may approve or approve with modifications an application for a Conditional Use Permit if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The conditional use complies with the applicable requirements of this Code. (Ord. 5481, 10-20-03, § 4; Ord. 4972, 3-3-97, § 79; Ord. 4816, 12-4-95, § 178)

20.30B.160 Merger with Binding Site Plan.

A. General.

The applicant may request that the site plan approved with the Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required.

If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan.

Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and

recorded Binding Site Plan and the requirements of state law. (Ord. 3848, 11-16-87, § 1)

20.30B.165 Periodic review.

The City may impose periodic review requirements as a condition of permit approval. (Ord. 4066, 10-23-89, § 1)

20.30B.170 Modification/revocation.

A. Modification.

The City may initiate a modification to an approved Conditional Use Permit. A modification will be processed through Process I, LUC 20.35.100 et seq.; provided, that modification of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation.

The Hearing Body may revoke an approved permit through Process I, LUC 20.35.100 et seq.; provided, that revocation of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. An approved permit may be revoked only upon finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of approval. (Ord. 4972, 3-3-97, § 83; Ord. 4816, 12-4-95, § 182; Ord. 4066, 10-23-89, § 2)

20.30B.175 Modification or addition to an approved project or decision.

A. There are three ways in which to modify or add to an approved conditional use: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.

B. General.

Except as provided in subsections C and D of this section, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption for Conditional Use Permit.

The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

1. The proposal does not result in any significant adverse impact beyond the site; and
2. The proposal is within the general scope of the purpose and intent of the original approval; and
3. The proposal complies with all applicable Land Use Code requirements; and

4. The proposal does not add square footage that is more than 20 percent of existing gross square footage; and

5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this section will be decided as an administrative amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. Decision Criteria. The Director shall approve a proposed amendment to an approved project or decision if:

a. The amendment maintains the design intent or purpose of the original approval; and

b. The amendment maintains the quality of design or product established by the original approval; and

c. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property.

3. The applicant carries the burden of proof and must demonstrate that the application merits approval or approval with modifications.

4. Conditions. The Director may include conditions as part of the approval or approval with modifications to ensure conformance with the decision criteria for an administrative amendment and for the original approval.

5. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:

a. A description of the original project or decision and the proposed administrative amendment; and

b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based; and

c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section. (Ord. 5790, 12-3-07, § 1; Ord. 5481, 10-20-03, § 5; Ord. 4972, 3-3-97, § 84; Ord. 4816, 12-4-95, § 183)